

REMARKS

Claim 1 has been amended to incorporate the recitations of claims 2, 3, and 16 therein, and claims 2, 3, 5, 6, and 8-20 have been canceled. Claims 21 and 22 have been added based on the disclosure at page 6, lines 3-12 in the application.

Entry of the above amendment is respectfully requested.

Art Rejections over Mori

On page 2 of the Office Action, claims 1-15 are rejected under 35 U.S.C. 102 (a or e) as being clearly anticipated by Mori (US 6,494,627). Further, on page 3 of the Office Action, claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori.

The Examiner's Position

The Examiner's position appears to be basically that Mori teaches a recording material comprising any of recording layers (a) to (f), that thermal layer (a) includes microcapsules of component A, which is a diazonium salt compound, and also includes a compound B, which is a coupler compound, and that thermal layer (a) further includes a photo initiator which contains spectral sensitization dyes such as oxonol dyes. Also, the Examiner indicates that Mori teach that spectral sensitization dye such as oxonol dyes are added to photo initiators in order to obtain a desired color-forming density at a lower energy, and while Mori is silent as to the exact amount of oxonol dyes, it would have been obvious to one having ordinary

skill in the art to vary and control the amount of oxonol dye in the thermal layer of Mori in order to obtain a desire color forming density at a lower energy.

Applicants' Response

In response to these rejections, Applicants note initially that claim 1 has been amended to incorporate the recitations of claims 2, 3, and 16 therein, and Applicants submit that the invention as amended is neither anticipated by nor obvious over Mori.

In this regard, Applicants note that the cited reference discloses the use of many kinds of dyes, including oxonol dyes, as sensitizing dyes.

However, Applicants submit that the dye of formula (I) recited in amended claim 1 is different from the above dyes, insofar as it has a substituent with a dissociable proton. Applicants submit that the cited reference does not disclose such a dye.

Moreover, while the cited reference does, as described above, disclose that the oxonol dye can serve as a sensitizing dye, and also describes the amount thereof, both in column 31, lines 17 to 25, and in column 32, lines 44 to 50, the cited reference also suggests that the use of the oxonol dye in a small amount, which is recited in the present invention, is not effective for sensitization.

However, the present invention suppresses green stains caused by a diazo compound specifically by using such a small amount of the oxonol dye, and the cited reference neither discloses nor suggests such an effect.

Therefore, the present invention is neither taught nor suggested by the cited reference, and thus withdrawal of the rejections is respectfully requested.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/678,640

Attorney Docket No.: Q77798

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


Bruce E. Kramer
Registration No. 33,725

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